

House Concurrent Resolutions No.	Date Filed	Vote	
		House	Senate
52	March 30, 1933 4:15 p. m.	Adopted	Adopted
57	April 3, 1933 12:00 noon.	Adopted	Adopted
58	April 7, 1933 1:35 p. m.	Adopted	Adopted
64	April 19, 1933 11:20 a. m.	Adopted	Adopted
65	April 15, 1933 11:00 a. m.	Adopted	Adopted
67	April 19, 1933 11:50 a. m.	Adopted	Adopted
69	April 21, 1933 3:00 p. m.	Yeas 112 Nays 7	Adopted

SUPPLEMENT

Number of Bill or Resolution	Date Filed	Vote	
		House	Senate
H. C. R. No. 36 Reed of Dallas	April 29, 1933 10:20 a. m.	Adopted	Adopted
H. B. No. 405 Kayton	April 29, 1933 10:20 a. m.	Adopted by viva voce vote	Adopted by viva voce vote
S. B. No. 85 Beck et al.	April 29, 1933 10:00 a. m.	Adopted by viva voce vote	Yeas 31 Nays 0

SIXTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
May 2, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.

Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.
Small.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Murphy:

S. B. No. 543, A bill to be entitled "An Act providing that the Comptroller of Public Accounts shall not issue any warrant for the payment of the available school funds or rural aid or vocational educational funds, to or for the benefit of any school district or city or town which has assumed the control of its public schools, when the interest and/or principal on any bonds owed by such school district and/or city or town belonging to the permanent school fund remain unpaid for a period of two years, and providing that such warrant shall not issue when any such school district and/or city or town prefers the claim of any other bond holder to the claims of the State Permanent School Funds; providing that no default shall be deemed to exist if proper refunding bonds have been approved by the State Board of Education; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Martin:

S. B. No. 544, A bill to be entitled "An Act amending Article 7256 of the 1925 Revised Civil Statutes of Texas, so as to provide that in all counties containing a city, other than the county seat, in excess of 7,000 inhabitants according to the 1930 decennial census, the tax collector, with the consent and approval of the commissioners court of said county may appoint a deputy tax collector in such town or city, who shall have the right to issue valid receipts for all taxes collected by him and to collect a fee of twenty-five cents from each person who pays his taxes to said deputy and to whom said deputy issues a receipt; providing that no person shall be charged over twenty-five cents for paying his taxes to said deputy; providing said deputy shall enter into such bond payable to the county judge of the county, in such amount as the tax collector and commissioners court may require; and further providing that said tax collector shall likewise remain liable on his bonds for all such taxes collected; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 545, A bill to be entitled "An Act to require the Commission of the General Land Office to issue awards and keep the sales of school land surveyed under the provisions of Section 6, Chapter 271, General Laws of the Forty-second Legislature in cases where applications were not filed in the General Land Office within the time required by law."

Read and referred to Committee on Public Lands and Land Office.

S. C. R. No. 52.

Senator Woodward sent up the following resolution:

Whereas, Senate Bill No. 412 was finally passed by the Senate on April 20th and is now pending in the House; and,

Whereas, The further consideration by the Senate of said bill is deemed necessary. Therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the House of Representatives be requested to return Senate Bill No. 412 to the Senate for further consideration.

WOODWARD,
HOLBROOK.

Read and adopted.

S. J. R. No. 30.

The Chair laid before the Senate on its third reading the following resolution:

By Senators Woodul, Rawlings and Pace:

S. J. R. No. 30, A joint resolution proposing an amendment to Article 3 of the Constitution of the State of Texas to be known as Section 51a; providing that the Legislature may authorize by law the issuance and sale of bonds of the State of Texas, not to exceed the sum of twenty million (\$20,000,000.00) dollars, bearing interest not to exceed four and one-half (4 ½ %) per centum per annum, and to mature not to exceed ten (10) years from their date, to be used for relieving the hardships of unemployment, providing for appropriations to pay said bonds and limiting the grant of power to two years from date of adoption; providing for submission of same to the qualified voters of the State; providing for the necessary proclama-

tion and making an appropriation to defray the expenses of the proclamation, publication and election.

Read third time.

Senator Woodruff moved the previous question on the final passage of the resolution. The motion prevailed by the following vote:

Yeas—18.

Beck.	Neal.
Blackert.	Oneal.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Rawlings.
Greer.	Regan.
Hopkins.	Sanderford.
Hornsby.	Woodruff.
Moore.	Woodward.

Nays—9.

Collie.	Purl.
Holbrook.	Russek.
Martin.	Stone.
Murphy.	Woodul.
Poage.	

Present—Not Voting.

DeBerry.	Redditt.
Pace.	Small.

The resolution failed to finally pass by the following vote:

Yeas—18.

Beck.	Patton.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Neal.	Woodruff.
Parr.	Woodul.

Nays—12.

Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Small.
Moore.	Woodward.

Present—Not Voting.

Pace.

(21 votes required.)

Motion to Reconsider.

Senator Cousins called up from the Journal the motion to reconsider the vote by which S. B. No. 470 was finally passed.

Senator Cousins moved to table the motion to reconsider.

Senator Cousins withdrew the motion to table and withdrew his request to call up the motion.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 338 by a vote of 107 yeas and 0 nays.

The House has concurred in Senate amendments to H. B. No. 646 by a vote of 109 yeas and 0 nays.

The House has concurred in Senate amendments to H. J. R. No. 14 by a vote of 110 yeas and 5 nays.

The House refused to concur in Senate amendments to H. B. No. 487 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are conferees on the part of the House:

Nicholson, McDougald, Steward, Parkhouse, and Scarborough.

The House has adopted the free conference committee report on S. B. No. 195 by a vote of 88 yeas and 33 nays.

The House has passed the following bill and resolution:

H. B. No. 844, A bill to be entitled "An Act prohibiting certain practices in the production of oil and gas within this State; defining the term 'person,' 'governmental agent,' 'governmental agency,' and 'oil property'; providing for the accurate measurement and accurate recording daily by all producers of oil and gas of the amount of daily production before relinquishing possession or control thereof by the producer; etc., and declaring an emergency."

H. J. R. No. 1, A joint resolution proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section to be numbered 3, providing that any county having a population of 60,000 or more may adopt a home rule charter for the establishment and regulation of its government, and which charter may provide that the commissioners court may serve as the governing body or that some

other body may act in lieu thereof; etc.

(With engrossed rider.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Report.

Senator DeBerry called up the free conference committee report on S. B. No. 435.

The report was adopted by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 122, S. B. No. 435,
H. J. R. No. 43.

Senate Bill No. 329.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 329, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas and authorizing payment of said miscellaneous claims on taking effect of this Act; and declaring an emergency."

Read second time.

Senator Russek sent up the following amendment:

Amend S. B. No. 329 by adding the following:

To pay A. F. Weber, LaGrange, Texas, error in tax assessment on 460 acres of land in Fayette County.....\$20.70
RUSSEK.

Read and adopted.

Senator Woodruff sent up the following amendments:

Amend S. B. No. 329 by adding the following:

To pay Corsicana Cotton Mills, Corsicana, Texas, overpayment of franchise tax.....\$3385.00
WOODRUFF.

Read and adopted.

Amend S. B. No. 329 by adding the following:

To pay General American Finance Company, Tyler, Texas, refund of overpayment of occupation tax paid under invalid law.....\$150.00
WOODRUFF.

Read and adopted.

Amend S. B. No. 329 by adding the following:

To pay Monroe Calculating Machine Company, Orange, New Jersey, overpayment of franchise tax.....\$5.00
WOODRUFF.

Read and adopted.

Amend S. B. No. 329 by adding the following:

To pay Roark Development Company, Houston, Texas, Secretary of State voucher No. 21501 dated October 11, 1929.....\$4.41
WOODRUFF.

Read and adopted.

Amend C. S. S. B. No. 329 by inserting the following:

To pay Magnolia Petroleum Company, for gasoline purchased by the Railroad Commission for the fiscal year ending August 31, 1930, to be paid out of Oil and Gas Fund.....\$526.04
HOLBROOK.

Read and adopted.

Amend C. S. S. B. No. 329 by inserting the following:

"To pay Barbara Oil Company, Chicago, Ill., refund of overpayment of franchise tax \$49.70."
HOLBROOK.

Read and adopted.

Amend C. S. S. B. No. 329 by inserting the following:

"To pay Vacuum Oil Company, New York, refund of overpayment of filing fees \$2500.00."

HOLBROOK.

Read and adopted.

Amend C. S. S. B. No. 329 by inserting the following:

"To pay Clint B. Lewis, Caldwell, Texas, for reward offered by Gov. Davidson for arrest and conviction of the murderer of Otto Lange. To be paid after all offsets of claims of the State against said Lewis have been deducted \$500.00."

HOLBROOK.

Read and adopted.

Amend C. S. S. B. No. 329 by striking out lines 63 and 64 on page 5 of the printed bill, and lines 1 to 21 inclusive on page 6 of the printed bill.

HOLBROOK.

Read and adopted.

Amend C. S. S. B. No. 329 by striking out all of lines 34, 35 and 36, page 1 of the printed bill and amend totals to conform.

WOODRUFF.

Read and adopted.

Amend C. S. S. B. No. 329 by adding a new item as follows:

To pay C. M. Markman injuries sustained while working on the State Highway for the State Highway Commission \$800.00.

WOODRUFF.

Read and adopted.

Senator Purl sent up the following amendments:

Amend new section to read as follows:

Provided however, no claim shall be paid on vouchers issued until affidavit is filed with Comptroller signed by claimant, if an individual or if a corporation signed by an officer setting forth that no moneys are due the State by said individual and/or corporation.

PURL.

Read and adopted.

Amend S. B. No. 329 by striking out all of 9, 10, 11, 12, and 13—\$18,696.50—on page 7 and amend totals to conform.

PURL.

The amendment was read.

S. C. R. No. 36.

Senator Woodward received unanimous consent to suspend the regular order and take up:

S. C. R. No. 36, Granting J. B. Dunlap permission to sue the State.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The resolution was read and adopted.

S. C. R. No. 37.

Senator Woodward received unanimous consent to suspend the regular order and take up:

S. C. R. No. 37, Granting E. B. Powell permission to sue the State.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The resolution was read and adopted.

S. C. R. No. 39.

Senator Holbrook received unanimous consent to suspend the regular order and take up:

S. C. R. No. 39, Granting A. Ostermayer permission to sue the Highway Commission.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The resolution was read and adopted.

Motion to Reconsider.

Senator Woodul moved to reconsider the vote by which S. J. R. No. 30 failed to finally pass and spread the motion on the Journal.

House Bill No. 845.

Senator Oneal moved to reconsider the vote by which H. B. No. 845 was finally passed. The motion prevailed.

Senator Oneal sent up the following amendment:

Amend H. B. No. 845 by inserting immediately after Section 4 another section to be known as Section 4-a as follows:

"Section 4-a. No contract, bond or note, or other evidence of indebtedness authorized to be issued or executed under this Act, shall be issued or executed after the ex-

piration of one year from the effective date of this Act."

ONEAL.

Read and adopted by unanimous consent.

The bill was finally passed by the following vote:

Yeas—25.

Beck.	Patton.
Blackert.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—5.

Collie.	Hornsby.
DeBerry.	Murphy.
Holbrook.	

Absent.

Poage.

Motion to Take up Bill.

Senator Collie asked unanimous consent to suspend the regular order of business and take up a local bill.

Objection was heard.

Senator Collie moved to suspend the regular order of business and take up the bill.

Senator DeBerry raised the point of order that the pending business was a general appropriation bill which had right of way under the joint rules and a motion to suspend the regular order was out of order unless this joint rule was suspended by a concurrent resolution.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senate Bill No. 329.

The question recurred upon the pending amendment to S. B. No. 329.

S. C. R. No. 53.

Senator Regan sent up the following resolution:

Whereas, On or about the 31st day of January, A. D. 1933, Ben Martin of the town of Fort Davis, in Jeff Davis County, Texas, while employed by the State Highway Commission of Texas, on what is known as the Scenic Highway, near the town of Fort Davis, Texas, in the capacity of a truck driver, and while the said Ben Martin was engaged in the performance of the regular duties of his said employment and while performing the work he was employed to do by the said State Highway Commission, he, the said Ben Martin, was severely and permanently injured when several rocks hit him in the back of the head and fractured the skull bone to such an extent that it became necessary to have a portion of the skull bone removed, said falling rocks being caused by a dynamite blast then and there being operated and directed by said State Highway Commission by and through its superintendent and employees on said Scenic Highway project, and which injury penetrated into the brain of said Ben Martin; and

Whereas, By reason of said accident causing said fracture of said skull bone and penetrating into the brain of the said Ben Martin, he suffered great bodily injury which totally and permanently incapacitated him for the resumption of his said employment or for any other kind of labor or employment; and

Whereas, The said Ben Martin has not been compensated for his said injury and loss resulting therefrom; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Ben Martin, his heirs, executors and administrators, be and they are hereby granted permission to bring suit against the State of Texas and against the State Highway Commission of Texas, in a court of competent jurisdiction, in Jeff Davis County, Texas, in order to ascertain, fix and award the amount of money, if any, that the said Ben Martin, his heirs, executors and administrators are entitled to receive from the State of Texas and the State Highway Commission of Texas as compensation by reason of such injury and resulting damages; and that in case such suit be filed, service of citation or other

necessary process be had upon the Governor of the State of Texas, the chairman of the State Highway Commission of Texas and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that either one of the parties to said suit shall have the right to appeal without the execution of bond; and any judgment that may be finally established against the State of Texas and the State Highway Commission of Texas, or either of them, in said suit, shall be a liquidated debt and shall be paid by the State Highway Commission of Texas out of the State Highway funds.

REGAN.

Read and referred to Committee on Civil Jurisprudence.

S. C. R. No. 54.

Senator Greer sent up the following resolution:

Whereas, In the years 1927 and 1928, one or both, the State Highway Department constructed or caused to be constructed on or across the lands of J. H. Reagan in Anderson County, Texas, a high embankment and large dump, in order to make what said commission deemed a suitable crossing over the Trinity River for State Highway No. 43; and

Whereas, By the construction of said embankment the waters of said Trinity River were caused to be diverted over and flowed across the lands of the said J. H. Reagan; and

Whereas, Said State Highway Department is prohibited under the Constitution and laws of this State from paying the said J. H. Reagan his damages; and

Whereas, The said J. H. Reagan is desirous of bringing suit to establish his claim for damages against the State of Texas by reason of the acts aforesaid; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said J. H. Reagan be and he is hereby granted permission to bring suit against the State, or said Highway Commission, in a court of competent jurisdiction, in order to determine the compensation, if any, said Reagan is entitled to recover by reason of his said injuries, if any, and be it further

Resolved, That service of all necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

The crowded condition of the calendar and the importance of the subject matter of this resolution creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that all bills be read on three separate days in each House, and said rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

GREER.

Read and referred to Committee on Civil Jurisprudence.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. J. R. No. 3, A joint resolution proposing an amendment to Article IX of the Constitution of the State of Texas by adopting a new section to be known as Section 3, and which shall provide that any county having a population of more than 60,000 may adopt a county home rule charter with certain powers and specific limitations, to proceed thereunder if authorized by two-thirds vote of the Legislature; etc.

(With amendments.)

That the House has adopted the following resolution:

H. C. R. No. 78, Granting permission to the Enrolling Clerk of the House to make certain corrections in H. J. R. No. 14.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 844, referred to Committee on Criminal Jurisprudence.

H. J. R. No. 1, referred to Committee on Constitutional Amendments.

Recess.

Senator Woodward moved to recess until 3 o'clock p. m.

Senator Small moved to recess until 8 o'clock p. m. The motion was lost.

The motion to recess until 3 o'clock p. m. prevailed, and, at 12:22 o'clock p. m. the Senate recessed.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

Senate Bill No. 454.

The Chair laid before the Senate on its second reading, by unanimous consent, the following bill:

By Senator Collie:

S. B. No. 454, A bill to be entitled "An Act to amend Subdivision 32 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1931, Forty-second Legislature, First Called Session, page 27, Chapter 14, Section 1, relating to the District Court for the Thirty-second Judicial District so as to exclude Howard County and to change the dates of convening the district court in the counties of the Thirty-second Judicial District of Texas, etc., and declaring an emergency."

Read second time.

Senator Duggan sent up the following amendment:

Amend S. B. No. 454, page 2, line 13 by changing the word "nineteenth" to "seventeenth"; by striking out lines 27, 28, 29 and 30 of page 2, Section 1, and adding in lieu thereof:

"In the County of Martin on the fourteenth Monday after the first Monday in January of each year and may continue in session two weeks; on the first Monday in September of each year and may continue in session two weeks; on the fourteenth Monday after the first Monday in September of each year and may continue in session two weeks."

DUGGAN.

Read and adopted.

Senator Regan sent up the following amendment:

Amend S. B. No. 454 by striking out all of Section One (1) under Section Three (3) immediately following the words "and the District Court of said district shall be held

therein each year as follows" and inserting in lieu thereof the following:

"In the County of Reeves on the first Monday in January of each year and may continue in session four weeks; on the fourteenth Monday after the first Monday in January of each year and may continue in session four weeks; on the first Monday in September of each year and may continue in session four weeks.

"In the County of Ward on the fourth Monday after the first Monday in January of each year and may continue in session three weeks; on the eighteenth Monday after the first Monday in January of each year and may continue in session four weeks; on the fourth Monday after the first Monday in September of each year and may continue in session four weeks.

"In the County of Winkler on the seventh Monday after the first Monday in January of each year and may continue in session three weeks; on the twenty-second Monday after the first Monday in January of each year and may continue in session three weeks; on the eighth Monday after the first Monday in September of each year and may continue in session three weeks.

"In the County of Crane on the tenth Monday after the first Monday in January of each year and may continue in session two weeks; on the twenty-fifth Monday after the first Monday in January of each year and may continue in session two weeks; on the eleventh Monday after the first Monday in September of each year and may continue in session two weeks.

"In the County of Andrews on the twelfth Monday after the first Monday in January of each year and may continue in session one week; on the twenty-seventh Monday after the first Monday in January of each year and may continue in session two weeks; on the thirteenth Monday after the first Monday in September of each year and may continue in session one week.

"In the County of Loving on the thirteenth Monday after the first Monday in January of each year and may continue in session one week; on the twenty-ninth Monday after the first Monday in January of each year and may continue in session one

week; on the fourteenth Monday after the first Monday in September of each year and may continue in session two weeks."

REGAN.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 454 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

House Bill No. 213.

Senator Woodruff asked to take up the unfavorable report of the Committee of the Whole on H. B. No. 213.

Senator DeBerry raised the point of order that, in the absence of a

minority report, action on the unfavorable committee report was out of order because the bill was dead.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Motion to Concur.

On motion of Senator Moore, the Senate concurred in House amendments to S. C. R. No. 46.

Reason for Vote on H. B. No. 213 In the Committee of the Whole.

I vote "yea" knowing that if the proponents of the bill desire to make a further effort to pass the bill, that they can bring in a minority report, and if the members of the Senate become convinced that the bill ought to pass, and will pass it by the required majority to put it into immediate effect, I will vote for it. I believe a new commission would be beneficial if it could take office immediately; but I believe, to have three months elapse after the Legislature adjourns, before the new commission could function, it would be disastrous, because for three months there would be no fixed policy, because the Railroad Commission would see the end of its power, and the new commission could not function immediately unless it was put into immediate effect.

COUSINS.

Executive Session Set.

Senator Moore received unanimous consent for the Senate to go into executive session tomorrow morning at 11:45 o'clock.

Free Conference Report.

Senator Greer sent up the following Free Conference Report to be printed in the Journal:

Committee Room,

Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses in respect to S. B. No. 195, have duly adjusted the differences between the

two Houses, and beg to report it back to the respective Houses with the recommendation that the attached bill be adopted in lieu of the bill as finally passed.

GREER,
SMALL,
POAGE,
PACE.

On part of the Senate.

RAMSEY,
DANIEL,
METCALFE,
WELLS,
TARWATER.

On part of the House.

A BILL

To Be Entitled

An Act to apportion the State of Texas into Congressional Districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas shall be apportioned into the following Congressional Districts, each of which shall be entitled to elect one member of the Congress of the United States:

First: The following counties shall compose the First District, to-wit: Bowie, Cass, Franklin, Red River, Titus, Morris, Hopkins, Marion, Harrison, Lamar, and Delta.

Second: The following counties shall compose the Second District, to-wit: Jefferson, Orange, Angelina, Jasper, Newton, Sabine, San Augustine, Tyler, Hardin, Liberty, and Shelby.

Third: The following counties shall compose the Third District, to-wit: Van Zandt, Smith, Rusk, Panola, Wood, Camp, Upshur, and Gregg.

Fourth: The following counties shall compose the Fourth District to-wit: Grayson, Fannin, Collin, Hunt, Rockwall, Kaufman, and Rains.

Fifth: The following counties shall compose the Fifth District, to-wit: Dallas.

Sixth: The following counties shall compose the Sixth District, to-

wit: Navarro, Limestone, Ellis, Robertson, Freestone, Leon, Hill, and Brazos.

Seventh: The following counties shall compose the Seventh District, to-wit: Houston, Montgomery, San Jacinto, Polk, Henderson, Anderson, Trinity, Walker, Grimes, Madison, Cherokee, and Nacogdoches.

Eighth: The following counties shall compose the Eighth District, to-wit: Harris.

Ninth: The following counties shall compose the Ninth District, to-wit: Colorado, Matagorda, Goliad, Brazoria, Fort Bend, Wharton, Jackson, Victoria, Austin, Waller, Calhoun, Galveston, Lavaca, Fayette, and Chambers.

Tenth: The following counties shall compose the Tenth District, to-wit: Washington, Hays, Caldwell, Bastrop, Travis, Williamson, Lee, Burleson, Burnet, and Blanco.

Eleventh: The following counties shall compose the Eleventh District, to-wit: Falls, Bosque, Bell, Coryell, McLennan, and Milam.

Twelfth: The following counties shall compose the Twelfth District, to-wit: Tarrant, Johnson, Parker, Hood, and Somervell.

Thirteenth: The following counties shall compose the Thirteenth District, to-wit: Wilbarger, Baylor, Throckmorton, Archer, Clay, Jack, Montague, Wise, Wichita, Cooke, Denton, Young, Hardeman, Foard, and Knox.

Fourteenth: The following counties shall compose the Fourteenth District, to-wit: Kleberg, Nueces, Jim Wells, Duval, Kenedy, San Patricio, McMullen, Live Oak, Bee, Aransas, Refugio, DeWitt, Karnes, Atascosa, Wilson, Guadalupe, Comal, Brooks, and Gonzales.

Fifteenth: The following counties shall compose the Fifteenth District, to-wit: Cameron, Hidalgo, Willacy, Starr, Zapata, Webb, Jim Hogg, Dimmit, Medina, Zavala, Frio, LaSalle and Maverick.

Sixteenth: The following counties shall compose the Sixteenth District, to-wit: El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Jeff Davis, Presidio, Brewster, Pecos, Terrell, and Crockett.

Seventeenth: The following coun-

ties shall compose the Seventeenth District, to-wit: Nolan, Fisher, Jones, Taylor, Shackelford, Callahan, Stephens, Eastland, Comanche, Erath, Palo Pinto, and Hamilton.

Eighteenth: The following counties shall compose the Eighteenth District, to-wit: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Motley, and Cottle.

Nineteenth: The following counties shall compose the Nineteenth District, to-wit: Bailey, Lamb, Hale, Cochran, Hockley, Floyd, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Mitchell, Andrews, Martin, and Howard.

Twentieth: The following counties shall compose the Twentieth District, to-wit: Bexar.

Twenty-first: The following counties shall compose the Twenty-first District, to-wit: Sterling, Coke, Runnels, Coleman, Irion, Tom Green, Concho, San Saba, McCullough, Mills, Lampasas, Schleicher, Menard, Mason, Llano, Kimble, Gillespie, Real, Kerr, Kendall, Bandera, Sutton, Edwards, Kinney, Uvalde, Brown, and Val Verde.

Sec. 2. Nothing in this Act shall in anywise affect the tenure in office of the present delegation in Congress of Texas but this Act shall take effect for the general election in 1934, and the congressman shall be elected from each said district for 1934, and thereafter until this law shall have been changed by the Legislature of this State.

Sec. 3. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 4. The great importance of the legislation proposed, and the necessity of providing appropriate districts for the additional allotment of memberships in the Congress creates an emergency and an imperative public necessity which requires that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take

effect and be in force from and after its passage, and it is so enacted.

Adjournment.

Senator Woodward moved to adjourn until 10 o'clock tomorrow morning.

Senator DeBerry moved to adjourn until 9:30 o'clock tomorrow morning.

Senator Woodruff moved to recess until 8 o'clock tonight.

The motion to adjourn until 10 o'clock tomorrow morning prevailed, and, at 6:04 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 435 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 37 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 36 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 39 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 45 (Relating to appropriations heretofore made for payment of fees of certain officers),

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

H. C. R. No. 66. Granting permission to A. C. Reissig, W. L. Lamb, Charlie A. Johnson, T. C. Laws, J. E. Snowden, and Oscar Wynn to sue the State, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Bradley. H. C. R. No. 66.

House Concurrent Resolution

Whereas, On or about December 1st, 1932, the men hereinafter named were put to work clearing debris from certain property in Travis County, Texas, to be paid out of the funds borrowed for relief purposes from the Reconstruction Finance Corporation, such men coming from the ranks of the unemployed and while so employed were killed or otherwise severally injured while in course of their employment due to the collapse of walls of a building standing on said property; said men being the following:

1. A. C. Reissig, 1014 Haskell, Austin, Texas.
2. W. L. Lamb, 90 Red River Street, Austin, Texas.
3. Charlie A. Johnson, 2107 Longfellow, Austin, Texas.
4. T. C. Laws, 2500 Pedernales, Austin, Texas.
5. J. E. Snowden, 1423 Garden Street, Austin, Texas.

6. Oscar Wynn, Lake Austin, Texas.

Whereas, Said men named above having never been compensated by the State of Texas or the County of Travis for said injuries received while so employed; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That A. C. Reissig, W. L. Lamb, Charlie A. Johnson, T. C. Laws, J. E. Snowden, and Oscar Wynn, or their legal representatives, be and are hereby granted permission to bring suit against the State of Texas and/or the Court of Travis County, in a court of competent jurisdiction in order to determine compensation for said deaths and/or injuries received, if they can severally show injuries received, while so employed by the State of Texas, and/or the Court of Travis, and all service of citation, or other necessary process, may be had upon the Governor of the State of Texas and the Attorney General and the county judge and county attorney of Travis County, Texas, with the same force and effect as in civil cases. Be it further

Resolved, That the Attorney General and/or said county attorney be authorized to compromise or otherwise settle any suit or suits brought as result of this resolution if in the opinions of the Attorney General and/or said county attorney, the men herein above named or their legal representatives, are entitled to their respective said compensations because of their said injuries.

Committee Room,
Austin, Texas, May 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 71, Granting John Minica permission to sue the State, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed in the Journal.

HOPKINS, Chairman.

Committee Amendment.

Amend H. C. R. No. 71, in lines 19 and 20 of the original bill, by

striking out the words "the District Court of Tom Green County, Texas, in which such injuries occurred," and inserting in lieu thereof the words "a court of competent jurisdiction in Travis County."

By Metcalfe. H. C. R. No. 71.

House Concurrent Resolution.

Whereas, On or about the 11th day of April, 1932, John Minica of Tom Green County, Texas, while working as a laborer for the State Highway Department of the State of Texas, a short distance north of Christoval, in said Tom Green County, Texas, as a result of the explosion of dynamite caps in use by said Department, suffered and sustained serious and permanent bodily injuries, in that his (the said John Minica's) left hand and a portion of his arm were blown off, so that amputation of such left arm between the elbow and hand became and was necessary; and

Whereas, In consequence of such explosion, the said John Minica suffered and sustained the loss of the sight of both eyes, and is now completely blind, and will continue to be so for the remainder of his life;

Now therefore be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said John Minica be, and he is hereby granted permission to sue the State of Texas for damages for the personal injuries so sustained by him as aforesaid, and that such suit may be filed and instituted in the District Court of Tom Green County, Texas, in which county such injuries occurred, at any time within two years from the date hereof; and that said cause of action shall not be barred by limitation until two years from and after such date; and that such suit shall be tried and determined in the trial and appellate courts of this State, according to the same rules of law and procedure, as to liability and defenses, as if such suit were against an ordinary corporate Texas highway construction contractor; and that it is hereby provided that if such suit be instituted under the provisions of this resolution, service of process shall issue according to the rules of law governing such process in civil cases, and that such process, if and when issued, shall be directed to the Governor of the State

of Texas, the Attorney General of the State of Texas, and the departmental head of the maintenance division of the State Highway Department, but that service of process upon the Governor and the Attorney General of the State of Texas shall be deemed to be sufficient.

Committee Room,

Austin, Texas, May 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 62, Granting permission to E. A. Eliot and wife, Mrs. Hattie Eliot, to bring and continue suit against the Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Wells. H. C. R. No. 62.

House Concurrent Resolution.

Whereas, During the year 1931, E. A. Eliot and wife, Mrs. Hattie Eliot, were damaged by the State Highway Commission by virtue of the construction of State Highway No. 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland, to the west of the property of said Eliot and wife, and which they claim is damaging said property and the crops thereon situated by overflow. Said property being ninety-six (96) acres of land out of the upper John White League in Navarro County.

Whereas, The State Highway Commission contends that suit cannot be maintained against said State Highway Commission without permission from the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said plaintiffs have a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State, who has a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; and

Whereas, Suit has been brought in the district court of Navarro County, Texas, the original petition having been filed on September 12, 1931, and service having been had; and

Whereas, Said E. A. Eliot and wife, Mrs. Hattie Eliot, have never been compensated for the damages to crops; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That E. A. Eliot and wife, Mrs. Hattie Eliot, be, and hereby are, granted permission to bring and continue suit against the State Highway Commission and the State of Texas in Navarro County, in order to determine compensation for damages received, if any they can show, and that service of citation or other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

Committee Room,

Austin, Texas, May 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 69-A (Granting Martin Brothers permission to sue the State, etc.).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOPKINS, Chairman.

By McGregor. H. C. R. No. 69-A.

House Concurrent Resolution

Whereas, During the years 1931 and 1932, E. V. Martin, T. Q. Martin and L. Singleton, acting under the firm name of Martin Brothers, General Contractors, operating under contract with the Texas State Highway Department, constructed a section of Highway No. 11 in Morris County, Texas; and

Whereas, After the final construction of said Highway and the acceptance by the State Highway Department of that section constructed by said Martin Brothers upon final settlement between said Martin Brothers and the State Highway Department there existed a difference in the estimates of the work performed by Martin Brothers be-

tween the State Highway Department and said Martin Brothers of Two Thousand, Four Hundred Ninety-one Dollars and Twenty-four Cents (\$2,491.24); and

Whereas, The State Highway Department refused and still refuses to pay to said Martin Brothers the said sum of Two Thousand, Four Hundred Ninety-one Dollars and Twenty-four Cents (\$2,491.24), and the said Martin Brothers claim that the State of Texas is due them said sum of Two Thousand, Four Hundred Ninety-one Dollars and Twenty-four Cents (\$2,491.24), notwithstanding the contention of the engineers of the State Highway Department and the State Highway Commission; therefore be it

Resolved by the House of Representatives, the Senate concurring, That permission be given to said Martin Brothers to sue the State of Texas in a Court of competent jurisdiction in Travis County, Texas, upon said claim above described.

Committee Room,

Austin, Texas, May 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 56 (Granting permission to the Abilene Plumbing Supply Company, Incorporated, to sue the State of Texas and the State Board of Control, etc.).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOPKINS, Chairman.

By Wagstaff. H. C. R. No. 56.

House Concurrent Resolution

Whereas, On June 29, 1931, the State of Texas, through the State Board of Control, entered into a written contract with Franklin Brothers, a firm composed of J. M. Franklin and A. R. Franklin, contractors, whereby the latter agreed to furnish all material and labor required to install the plumbing and heating system complete in a two-story men's dormitory building on the grounds of the Abilene State Hospital for a consideration of Nine

Thousand, Three Hundred and Sixty Dollars (\$9,360.00); that said contract contained the following paragraph:

"It is agreed by the parties hereto that twenty per cent (20%) of the contract price shall be held by the owner for such time as said work cannot be made responsible for labor done or material furnished, after the satisfactory completion and acceptance of the entire work, as security for the faithful completion of said work, and as a protection to labor, materials, etc., and may be applied, under the direction of the architects in the liquidation of any damages under this contract, and the contractor agrees to furnish to the owner a release from any liens or rights of lien which may grow out of this contract under the statutes of the State of Texas, and if requested, shall furnish a sworn statement as to all purchases of material and as to all contracts for labor which has gone into said work, and to any and all claims which could arise from such material or labor unfurnished, and the bond hereto attached is given for the purpose of binding said contractor to the faithful performance of this contract."

That Abilene Plumbing Supply Company, Incorporated, a corporation, furnished material used in said building for which they received no remuneration in the sum of Four Thousand, Three Hundred Twenty-six Dollars and Seventy-six Cents (\$4,326.76), and that the State Board of Control failed and refused to retain twenty per cent (20%) of the contract price as provided in said contract and as provided in Article 5160 of the Revised Civil Statutes of Texas, and that by reason of the failure to hold and pay off the sum of One Thousand, Eight Hundred Sixty-one Dollars and Twenty Cents (\$1,861.20), which was due Franklin Brothers, the said Abilene Plumbing Supply Company, Incorporated, lost said amount: now therefore, be it

Resolved, That Abilene Plumbing Supply Company, Incorporated, be, and the same is hereby, authorized to sue the State of Texas and the State Board of Control in their official capacity, and that service of process shall be had upon the Gov-

ernor of the State of Texas and upon the members of the State Board of Control in their official capacity and that said suit may be filed in any Court of competent jurisdiction in Travis County, Texas, the same as other civil suits, and this resolution shall be evidence of the consent of the State of Texas to be sued by said Abilene Plumbing Supply Company in an amount not to exceed One Thousand, Eight Hundred Sixty-one Dollars and Twenty Cents (\$1,861.20).

Committee Room,

Austin, Texas, May 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 49, Granting Dick Isbell permission to sue the State of Texas in a court of competent jurisdiction in Travis County.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed in the Journal.

HOPKINS, Chairman.

Committee Amendment.

Amend H. C. R. No. 49 in line 18 of the original bill by adding between the words "jurisdiction" and "in" the words "in Travis County."

By Dunagan. H. C. R. No. 49.

House Concurrent Resolution

Whereas, On or about April 9, 1929, cattle belonging to Dick Isbell of Ore City, Texas were so carelessly and negligently dipped that several died as a result of such dipping; and

Whereas, The exact amount of damages is uncertain; and

Whereas, The amount involved cannot be adjusted between the parties and a necessity existing for the determination of the validity and a settlement thereof of the claims of the said Dick Isbell in a court of competent jurisdiction; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the said Dick Isbell be and is hereby granted permission, and given authority to institute a suit against the State of

Texas in a court of competent jurisdiction in order to determine and settle the amount of damages, if any, arising out of and in connection with the aforesaid loss.

Committee Room,
Austin, Texas, May 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 60, Granting W. C. Moore permission to bring suit against the State of Texas, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed in the Journal.

HOPKINS, Chairman.

Committee Amendment.

Amend H. C. R. No. 60 in line 14 of the original bill by inserting between the word "jurisdiction" and the word "in" the words "in Travis County."

By Sullivant. H. C. R. No. 60

House Concurrent Resolution

Whereas, On or about March 26, 1930, Mr. W. C. Moore, of Gainesville, Texas, who was then in the employ of the State Highway Department of Texas, and was working in the vicinity of Gainesville, Texas, upon the State Highway; and

Whereas, Said W. C. Moore, while in the discharge of his duties, was seriously injured, and is still suffering from the effects of the injury; and

Whereas, Said W. C. Moore has never been compensated by the State for the injuries received while in its employ; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That W. C. Moore be and is hereby granted permission to bring suit against the State of Texas in a court of competent jurisdiction in order to determine compensation for injuries received, if any he can show, while in the employ of the State Highway Department; and that service of citation or other necessary process, may be had upon the Highway Commission and the Attorney General

with the same force and effect as in civil cases. Be it further

Resolved, That the Commissioners of the Highway Department be authorized to compromise or otherwise settle any suit brought as a result of this resolution if in their opinion the said W. C. Moore is entitled to compensation because of said injuries.

Committee Room,
Austin, Texas, May 1, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 61, Granting W. F. Sewell and wife, Mrs. Irma Sewell permission to bring and continue suit against the State Highway Commission and the State of Texas in Navarro County.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Wells. H. C. R. No. 61.

House Concurrent Resolution

Whereas, During the year 1931 W. F. Sewell and his wife, Mrs. Irma Sewell, and J. C. Lewis were damaged by the State Highway Commission by virtue of the construction of State Highway No 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland over the property of said Sewell and wife, and which they claim is damaging said property and the crops thereon situated, said road running through said property.

Whereas, The State Highway Commission contends that suit cannot be maintained against said State Highway Commission without permission from the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said plaintiffs have a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State, who has a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by

reason of any constitutional inhibition; and

Whereas, Suit has been brought in the District Court of Navarro County, Texas, the original petition having been filed on September 21, 1931, and service having been had; and

Whereas, Said W. F. Sewell and his wife, Mrs. Irma Sewell and J. C. Lewis have never been compensated for the damages to crops; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That W. F. Sewell and his wife, Mrs. Irma Sewell and J. C. Lewis be, and hereby are, granted permission to bring and continue suit against the State Highway Commission and the State of Texas in Navarro County in order to determine compensation for damages received, if any they can show, and that service of citation or other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as in civil cases.

Committee Room,

Austin, Texas, May 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 72 (Requesting the Highway Department to take over the Galveston-Bolivar ferry, etc.).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOPKINS, Chairman.

By McKee, et al. H. C. R. No. 72.

House Concurrent Resolution

Whereas, There is at the present time a section of the Hug-the-Coast Highway connecting the County of Galveston with Chambers and Jefferson Counties; and

Whereas, There is at the present time a privately owned ferry operating between the City of Galveston and Port Bolivar, Texas, a distance of two and one-half ($2\frac{1}{2}$) miles, and the said ferry is a connecting link in Highway No. 87 between the

Cities of Beaumont, Orange and Port Arthur and all points East, including the State of Louisiana; and

Whereas, At the present time the ferry charges of One Dollar and Twenty-five Cents (\$1.25) per car and Twenty-five (25) Cents per passenger are so exorbitant that resolutions have been passed and are being passed by the Commissioners Courts of Galveston, Chambers and Jefferson Counties, asking that the State Highway Department take over and operate this ferry as a highway connection on Highway No. 87; and

Whereas, It would be of tremendous benefit to the people of the State of Texas for the State Highway Department to operate this ferry for the benefit of the people; and

Whereas, A toll of Fifty (50) Cents per car would bring direct financial assistance to those who would use this facility; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Highway Department of the State of Texas is hereby requested to take over the Galveston-Bolivar ferry and afford the people of the State some relief from the aforesaid exorbitant charges and operate said ferry on the basis of Fifty (50) Cents per car until such portion of the cost of the project has been paid in as will satisfy the cost of the project, and/or until such time as the Highway Department shall decide to operate this ferry free of charge; and be it further

Resolved, That the Highway Department is requested to give this relief as expediently as possible.

Committee Room,

Austin, Texas, May 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 512,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

SMALL, Chairman.

By Hornsby.

S. B. No. 512.

A BILL

To Be Entitled

An Act prohibiting any person from manufacturing, selling, offering for sale, delivering for sale, consigning for sale or having in his possession with intent to sell any article of bedding not properly labeled, defining terms, prescribing penalty and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The following words and terms as used herein have the meaning respectively ascribed to them as follows:

That the terms "bedding" as used in this Act shall be construed to mean any mattress, upholstered spring, pad, cushion or pillow stuffed or filled with excelsior, moss, cotton, cotton linters, wool, hair, jute, kapok, feathers or inner spring units padded with any of these materials or any other soft material designed and made for use in sleeping.

The word "person" as used in this Act shall be construed to impart the plural and singular as the case demands and shall include individuals, corporations, partnerships, joint stock companies, societies and associations.

The word "new" as used in this Act shall mean any material which has not been used in the manufacture of another article or used for any other purpose.

The word "second hand" shall mean any article of which prior use has been made.

Sec. 2. No person shall use in the making or remaking of any article of bedding as herein defined any material of any kind that has been used by or about any person having infectious or contagious diseases or has formed a part of any bedding which has been so used.

Sec. 3. No person shall sell, offer for sale, deliver, consign for sale or have in his possession with intent to sell any article of bedding, unless the same be labeled by securely sewing on the outside thereof a label upon which shall be legibly written or printed in the English language

in letters at least one-eighth of an inch in height, giving the name and the address of the maker thereof, giving specifically the name of the material or the names of the materials used as the filling in such article of bedding. If all the materials used as the filling in such article of bedding shall not have been previously used, the words "Manufactured of all new material" shall appear upon said label. If any of the material used in the making or remaking of such article of bedding shall have been previously used, the words "Manufactured from second-hand material" or "Remade of second-hand material," as the case may be, shall appear upon said label. The said labels to be of muslin or linen not less than 2"x3" in size and shall be securely fixed or sewed on the outside of the article of bedding.

Sec. 4. Any person, other than a purchaser for his own use who shall remove, deface, alter or cause to be removed, defaced, or altered, any label upon any article of bedding so labeled under the provisions of this Act, shall be guilty of a violation of this Act.

Sec. 5. It is to be understood that this Act does not prevent any individual from having his own articles of bedding renovated for his own use, but not for the purpose of selling such articles of bedding to others.

Sec. 6. Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than two hundred dollars.

Sec. 7. The fact that it is necessary under the police powers of this State and in the interest of the public health and general welfare of the people to prohibit the manufacture and sale of articles of bedding not properly labeled creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Final Disposition of Bills.

SUPPLEMENT.

Number of bill or resolution	Date Filed	Vote	
		House	Senate
S. C. R. No. 34.....	May 1, 1933..... 4:00 p. m.	Adopted	Adopted
S. C. R. No. 47.....	May 1, 1933..... 9:50 a. m.	Adopted	Adopted
S. C. R. No. 48.....	May 1, 1933..... 1:28 p. m.	Adopted	Adopted
S. B. No. 92.....	April 25, 1933..... 5:00 p. m.	Yeas 88 Nays 26	Yeas 13 Nays 7
S. B. No. 526.....	May 1, 1933..... 2:35 p. m.	Yeas 117 Nays 0	Yeas 24 Nays 0
H. J. R. No. 32.....	May 1, 1933..... 1:28 p. m.	Yeas 104 Nays 18	Yeas 30 Nays 0
H. B. No. 231.....	May 1, 1933..... 10:30 a. m.	Yeas 111 Nays 8	Yeas 21 Nays 3
H. B. No. 663.....	May 1, 1933..... 2:35 p. m.	Yeas 111 Nays 0	Yeas 27 Nays 0
H. B. No. 815.....	May 1, 1933..... 2:35 p. m.	Yeas 102 Nays 4	Yeas 30 Nays 0
H. B. No. 875.....	April 29, 1933..... 2:00 p. m.	Yeas 106 Nays 1	Yeas 28 Nays 0

W. W. HEATH, Secretary of State.

SIXTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
May 3, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.

Woodruff.
Woodul.

Woodward.

Absent—Excused.

Greer.

Purl.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Parr:

S. B. No. 546, A bill to be entitled
"An Act creating and validating